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their modification of habits to abnormal conditions — by their performing under new postures of circumstances acts not identical, but analogous with their habitual acts ; while the spirit with which many of these animals enter on sportive or predatory expeditions can be accounted for only by the presentific agency of imagination. It may be difficult to formulate the precise distinction between mind and instinct ; nor is this necessary in order to conclude, with our author, that the latter cannot by any possibility develop into the former, — if for no other reason, for this, that mind does grow in the individual and in the race indefinitely, and, so far as we can judge, potentially forever ; while instinct cannot overpass very limited bounds in the individual, however long he may live, or in the race, however carefully it may be trained and cherished. But Dr. Paine's argument does not turn on the nature of this difference. His main purpose is to show that neither soul nor instinct can be the result of material combinations ; that sentient and self-conscious life cannot be produced by mechanical or chemical forces ; that it postulates and implies an intelligent Creator, the Source of all life while the Author of all being. The portions of the book under review which are relevant to this purpose are worthy of all praise. The larger part of the volume, however, is, as we have indicated, irrelevant to this, its professed end, and is valuable, therefore, only for its materials, not for the way in which they are put together.

8. — *Römische Alterthümer*. Von LUDWIG LANGE. Dritter Band : Die Staatsalterthümer. Dritter Theil. Erste Abtheilung. Berlin : Weidmann'sche Buchhandlung. 1871. 12mo. pp. 586.

LANGE's Handbook of Roman Antiquities is less known in England and America than it deserves to be ; for it is a book peculiarly adapted to the tastes and needs of English scholars. It is not a mere book of antiquities, like Becker and Marquardt's *Handbuch* ; it is essentially a constitutional history of Rome, arranged by epochs, and with the antiquities proper in the form of separate treatises attached to the several periods. It is therefore in the power of any one who wishes, to read the historical chapters and omit the antiquarian. It is upon the most extensive and exhaustive scale ; the third volume, for example, just published, brings the history down to the victory of Octavianus, and to do this is obliged to leave over the corresponding antiquarian chapters for the next volume.

This volume is therefore simply a constitutional and political history of Rome during the period of the downfall of the Republic, from the

tribunate of Tiberius Gracchus to the empire of Augustus. Probably this ground is covered with equal minuteness and completeness by no other writer, and there are certain features which give this work a peculiar value.

In the first place, it may be remarked that it shares the disadvantages of the series to which it belongs, — the Weidmann series of handbooks, to which belong Mommsen's *History of Rome*, Curtius's *History of Greece*, and Preller's *Mythologies*. It is printed in the same rather cheap style, with close pages and not very large type. Appearing by volumes, too, it has no index; and one needs an index constantly. This need might be partially met by a very copious analytic table of contents, such as Mr. Freeman gives to his volumes; but in all these works the table of contents is as brief and uncomprehensive as possible. Professor Lange, to be sure, makes very copious cross-references to his own volumes; but as the pages differ in the successive editions, even this is not always a help. It illustrates the independence of these several works, that whereas Mommsen and Curtius give hardly any references, but only an occasional argument in full, Lange gives an enormous number of them, as well as a complete bibliography for every general head and every special topic. This makes the book one of incalculable value to the student.

Professor Lange is not a writer of the originality and power of Mommsen; and in his views upon controverted points he is more apt to hold with the old school. His merit consists in great clearness of style, and especially in arrangement. One thing he has done which we have always desired to see done, but for which we have feared that adequate materials did not exist. This is to trace out in detail for each year the succession of political transactions and their influence upon one another. It is easy to see what a light this must throw upon political history, but it is easy to see likewise what an amount of patient and minute labor it must require to piece together the bits of evidence scattered through all Roman literature, and make out of them a consistent and accurate story in details. That it is accurate in every detail the author does not claim; but it is astonishing how much the story gains in intelligence and interest by this method. Such a year, for example, as B. C. 91, the year of the legislation of Drusus, is an admirable example of the skill and completeness with which this task is accomplished. In this way the measures of such a legislator as Gaius Gracchus, Drusus, or Sulla are not lumped together, as we are apt to find them, as if they formed one distinctly planned series of acts, but are shown to have had a development which was largely affected by circumstances. As an example, in regard to the important legislation

of the year 70, he shows (p. 192) by passages from the second Action against Verres, that it was during the first Action that the law was promulgated which took away from the senators the exclusive right to sit as judges.

In his views upon Roman politics Professor Lange occupies a moderate position, intermediate between the Cæsarism of Mommsen and the republicanism of the old school. Tiberius Gracchus and Cicero he rates more highly than Mommsen, Drusus less high. The most significant point in his view of Cæsar is, that this great man, like Napoleon, was dazzled by his triumphs and power, and was less great as an emperor than he had been as an aspirant; that he was easily flattered, by secret enemies as well as by friends, and grasped eagerly at new honors and distinctions; he lost his judgment as to the practicability of enterprises, and embarked inconsiderately in new and vain ones, and became even weak and injudicious in his clemency. Thus he alienated his friends and gave new courage to his enemies, while his popularity with the masses began to wane.

In regard to the earlier volumes, we have already intimated that there is no very daring and original speculation, but careful, complete, and accurate scholarship. In special points, he holds that the Luceres were Alban families, who received the Roman citizenship upon the conquest of their native city, — a theory which seems to us much the most probable. His derivation of the term "Quirites," from "curia," is an attractive and plausible one, especially in view of the peculiarly civil character of the term; but we hesitate to accept it against so high authority as Mommsen, however inconsistent the meaning "citizens" may be with that of *quiris*, a spear. It is not, however, in details like this that our author's great merit is to be seen. He has had the sagacity, in each volume, to see what was the most needed work to be done for that epoch, and has applied himself to this with the greatest industry and judgment.

We have already shown what this point is in the third volume. In this essentially political epoch, he has succeeded in tracing out the complicated details of politics, and giving us such a consecutive history of legislation and party manœuvres as one can get nowadays from a file of newspapers. In the first volume his strong point is in taking up the patriarchal institutions of the original patrician state, and analyzing and developing them with great fulness. The first period, "Der Patricische Staat," sketches the constitution down to the incorporation of the Luceres, which event, as we have said, he places at the capture of Alba Longa. The three antiquarian sections annexed to this chapter treat of the early patrician patriarchal law, upon which rested the entire

structure of the state at this epoch. These are, *das Familienrecht*, *das Gentilrecht*, the Gens being an expanded family; and *das älteste Staatsrecht*.

The second volume contains another feature, of less general interest, but of the greatest value to students of Roman legislation. The period treated is the fourth, "Die Herrschaft der Nobilität"; and the most important fact in the constitutional history of this period is the growth of power of the comitia of the tribes, — the great instrument of the demagogues of the last century of the Republic. By a careful comparison of the acts of the two rival comitia, the centuriate and tribal, — and not merely their actual legislation, but every proposition which can be shown to have come before either body, is examined and analyzed, — he arrives at important conclusions in regard to the transference of power from one to the other, — at once in elections, in legislation, and in jurisdiction. The result for legislation is summed up as follows: "In the times after the Hortensian law (B. C. 287) the centuriate comitia as a rule exercised legislative power only by the assumption of the *Lex de bello indicendo* and the *Lex centuriata de potestate censoria*; that is, upon matters which it was as impossible to transfer to the comitia tributa as the creation of magistrates *cum imperio*. It consisted therefore in legislative acts, which were completely dependent upon the initiation of the magistrates and the Senate, and were in substance pure formalities. Except on these grounds the centuriate comitia would have been entirely superfluous for legislation, and as a matter of fact the tribal comitia had assumed to themselves everything essential in legislation."

We do not know whether it is Professor Lange's design to extend his work beyond the political antiquities; it is, at any rate, very much to be hoped that he will be able to carry his survey of the constitutional history through the period of the Empire, and trace the changes of forms of government in the later Empire with the same minuteness as those of the Republic. There is no work more needing to be done.

9. — *The Decline of the Roman Republic.* By GEORGE LONG. Vol. IV. London: Bell and Daldy. 1872. 8vo. pp. 449.

MR. LONG possesses some of the most indispensable qualities for an historian of Rome. He has a knowledge of the facts and authorities unsurpassed — perhaps we might say unequalled — among English scholars; and this knowledge is under the control of a judgment trained and sharpened by the labors of a lifetime. He is conscientious